IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP Nos. 17055,17061,17064 and 17067 of 2022

and

W.M.P.Nos.16364 ,16366,16368 and 16369 of 2022

Tvl.Kuber Technology
Rep. by its Proprietor Mr.Rakesh J Rathore, No. 19/7, 1st Floor, Narasingapuram Street, Chennai 02,
Presently Residing at No. 34, Amman Koil Street,
Park town, Chennai 03

Petitioner in all W.P's

Vs

The State Tax officer
Chintadripet Assessment Circle, Station 1st Floor,
PAPJM Building Annexe, Greams Road, Chennai 06

Respondent in all W.P's

Prayer in W.P.No. 17055 of 2022: These writ petitions are filed under Article 226 of the constitution of India to issue a certiorari calling for the records of the impugned proceedings of the respondent in TIN 33080583163/ 2011-12 dated 29.04.2022 and quash the same and pass orders.

Prayer in W.P.No. 17061 of 2022: These writ petitions are filed under Article 226 of the constitution of India to issue a certiorari calling for the records of the impugned proceedings of the respondent in TIN 33080583163/ 2012-13 dated 29.04.2022 and quash the same and pass orders.

Prayer in W.P.No. 17067 of 2022: These writ petitions are filed under Article 226 of the constitution of India to issue a certiorari calling for the records of the impugned proceedings of the respondent in TIN 33080583163/ 2014-15 dated 29.04.2022 and quash the same and pass orders.

Prayer in W.P.No. 17064 of 2022: These writ petitions are filed under Article 226 of the constitution of India to issue a certiorari calling for the records of the impugned proceedings of the respondent in TIN 33080583163/ 2013-14 dated 29.04.2022 and quash the same and pass orders.

(In all writ petitions)

For Petitioner(s): M.Hariharan
V.Karthick

For Respondent(s): Ms. Amirtha Dinakaran Govt.Advocate For Respondent

COMMON ORDER

By this Common order all these writ petitions are being disposed of. This is the second round of litigation

2. In these writ petitions the petitioner has challenged the respective impugned order dated 29.04.2022 passed for the tax period 2011-2012 to 2014-2015. Earlier the petitioner has suffered adverse orders passed under Section 22(2) of the TNVAT Act, 2006 in the hands of the respondent for the aforesaid tax period 2014-15. These Orders were the subject matter of challenge before this Court in W.P.Nos 20860 to 20863 of 2016.. This Court by its order dated 14.09.2016 remitted the case back to the respondent with the following observations:-

> *5. Heard the learned Additional Government Pleader on the above submissions and also perused the impunged assessment orders.*
>
> *6. From a perusal of the impunged assessment orders it is seen that the petitioner though has sought for certain details, the same have not been furnished to the petitioner and the assessments have been completed. Therefore, this Court is of the view that the matter can be remanded to the respondent for fresh consideration so as to enable the petitioner to produce proof to show that the dealers with whom they had transactions had valid registration, on the date of transaction. Apart from that the petitioner can seek*

for details with regard to cross verification of the buyers and sellers as per Annexure-I and such details can be furnished by the assessing officer and after which, the petitioner can be allowed to submit further objections and assessments can be re-done.

7. In the light of the above, the writ petitions are allowed, the impugned orders are set aside and the matter is remanded to the respondent for fresh consideration. The petitioner shall first make a representation requesting the respondent for details which they require. Along with a letter,the petitioner shall produce proof to show that the registrations of the dealers with whom they had transactions were valid on the relevant date. After receipt of the details from the respondent, the petitioner isgranted two weeks time to file additional objections and after receipt of the additional objections, the respondent is directed to re-do the assessment in accordance with law. No costs. Connected miscellaneous petitions are closed.

3. Pursuant to the above said order dated 14.09.2016 two seperate orders came to be passed for the respective tax periods on 30.09.2019 and the impugned order on 29.04.2022. In the order dated 30.09.2019 the issue relating to the tax liability on the turn-overs mismatched with the sellers Annexure -II was stated that will be considered separately. Issue No.4 of the order dated 30.09.2019 passed for the Tax Period 2011-2012 is explained below for the sake of clarity.

*4. **Tax liability on the turnover mismatched with sellers Annexure-II***

At the time of revision of assessment, since the dealers have not filed any documentary evidences, the proposal for levy of tax on the mismatch turnover of Rs.27,62,355.00 was confirmed. Now the dealers have filed copy of documentary evidences such as copy of ledger account, copy of monthly *return and copy of hank account for the payments made to the suppliers. However, as instructed in the reference 4th cited, this portion of assessment is dealt with seperately.*

4. This was in the light of the decision rendered by this Court in ***Jinsasan Distrubutors Vs Commercial Tax Officer(CT), Chintadripet, Assessment circle, Chennai reported in*** *(2013) 59 Vst 256 (Mad)***.** The aforesaid decision of this Court upheld by the Division Bench

5. Pursuant to which the Office of the Principal Secretary/Commissioner of Commercial Tax issued a common **Circular No.5,2021 LW10/12521/2016 dated 24.02.2021,** wherein in the context of mismatch between the purchasing and selling dealer in the Annexure I and II of Form-I return prescribed under TNVAT Act 2006 and the method prescribed for resolving the issue was discussed.

6. It appears that the VAT Registration which was obtained by the petitioner was automatically transmitted to GST Registration with the implementation of GST Enactments with effect from 01.07.2017. It appears that the petitioner ceased to carry on the business under the GST regime and the petitioner had filed an application for cancellation of GST registration vide application dated 31.03.2018 which was acknowledged in Form GST REG 02.

7. Pursuant to the aforesaid application the GST registration of the petitioner was also cancelled on 07.11.2018 in FORM GST REG-19 under Rule 22 (3) of the respective GST Enactment Act with effect from 31.03.2018.

8. After the GST Registration of the petitioner was cancelled and pursuant to the above circular was issued the petitioner was issued with Notices all dated 30.03.2021 for the respective tax period to which the petitioner failed to respond, since the petitioner had ceased to carry on the business under the GST Registration with effect from 31.03.2018. Thus the impugned orders have been passed.

9. A reading of the impugned orders indicate that though the petitioner had failed to respond to the above notices, part of the demand which remains to be adjudicated has been dropped by the respondent while passing the impugned order based on the guidelines issued by the Principal Secretary/Commissioner of Commercial Tax issued a common vide **Circular No.5,2021 LW10/12521/2016 dated 24.02.2021.**

10. There are several factors which have lead to the passing of the impugned order without a proper reply. The petitioner without preferring the statutory appeals before the Appellate Authority has filed these present writ petitions. However there is an element of violation of Principles of Natural Justice while passing the impugned order.

11. Considering the facts and circumstances the case is remitted back to the respondent to pass a fresh order on merits, subject to the petitioner paying 25% of the disputed tax in cash within a period of 45 days from the date of receipt of a copy of this order.

12. The Petitioner is further directed to file a proper reply to respective Notices dated 30.03.2021 by treating the respective impugned orders dated 29.04.2022 issued for the respective tax periods as an addendum.

13. The respondent shall pass appropriate orders on merits after duly considering the guidelines prescribed in the above **Circular No.5,2021 LW10/12521/2016 dated 24.02.2021.**

14. Needless to state, in case the assessment proceedings are dropped, the amount which is directed to be paid by the petitioner will have to be refunded back after adjusting the amount to be paid by the petitioner.

15.These Writ Petitions stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

smn

To

The State Tax officer
Chintadripet Assessment Circle, Station 1st Floor,
PAPJM Building Annexe, Greams Road, Chennai 06

C.SARAVANAN, J.

SMN

WP Nos. 17055,17061,17064 and
17067 of 2022
and
W.M.P.Nos.16364 ,16366,16368 and
16369 of 2022

11-03-2026